

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37004 of 2024

Arising Out of PS. Case No.-265 Year-2022 Thana- SARAI RANJAN District- Samastipur

Vijay Mahto Son of Mahavir Mahto R/O Gangsara, P.S.- Sarairanjan, Dist.- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Sarairanjan P.S. Case No. 265 of 2022, registered for the alleged offences under Sections 341, 323, 354B, 307, 379, 447, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons brutally assaulted the mother of the informant and tried to strangle her by putting a *gamchha* in her neck.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that the informant is not an eye witness and he was not present at the place of alleged occurrence. Moreover, for an occurrence of 08.09.2022, the FIR has been

registered only on 16.09.2022 and there is no satisfactory explanation for the same and it shows afterthought and deliberation on part of the informant. The learned counsel further submits that the real fact is that there is land dispute between the parties and for this, Panchayati was also held. But the informant was not satisfied with the Panchayati and, as such, he falsely implicated the petitioner in this case. The learned counsel further submits that though the allegation is of brutal assault, but no injury report was brought on record and it shows falsity of the allegation. The petitioner has no criminal history.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of any injury report and further considering the possibility of false implication, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Samastipur, in connection with Sarairanjan P.S. Case No. 265 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court

(Arun Kumar Jha, J)

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